

REGULAR MEETING OF THE OKLAHOMA WORKERS' COMPENSATION COMMISSION

~ APPEALS ~

Friday, June 18, 2021
9:00 a.m.
Commission Chambers
1915 N. Stiles Ave.
Oklahoma City, Oklahoma
www.wcc.ok.gov

MINUTES

Members present: Chairman Jordan Russell, Commissioner Mark Liotta, and Commissioner Megan Tilly.

Staff present to support the Commission: Alexander Watkins.

STATEMENT OF OKLAHOMA OPEN MEETING LAW COMPLIANCE

Chairman Russell stated the administrative meeting was being held in compliance with the Open Meetings Act.

CALL TO ORDER**Presiding Appellate Officer, Chairman Liotta**

Call to order 9:00 a.m. by Chairman Russell, Presiding Appellate Officer.

ROLL CALL**Presiding Appellate Officer, Chairman Liotta**

After the roll call was taken, Chairman Russell announced the presence of a Quorum.

A. MINUTES:

- The drafted Minutes of the Regular Appeals Meeting of May 21, 2021, were considered for approval.

Motion: Chairman Russell made a motion to approve the Regular Appeals Meeting of May 21, 2021, minutes.

Second: Commissioner Tilly.

Those Voting Aye: Chairman Russell, Commissioner Liotta, and Commissioner Tilly.

THE MOTION CARRIED: MINUTES APPROVED

B. Appeal Hearings before the Commission En Banc from Orders Issued by the Commission's Administrative Law Judges

1. Lester Thomas v. Multiple Injury Trust Fund, File #CM2016-00410YMIF

Claimant filed an appeal from the order issued by Administrative Law Judge Inhofe. Margaret E. Dunn-Otterson appeared for the Claimant and Jennifer Finley appeared for the Respondent.

Motion: After reviewing the record, hearing oral arguments, and deliberating, Commissioner Tilly moved to affirm the Administrative Law Judge's order and authorized the Commission's Presiding Appellate Officer to sign and file an order on behalf of the Commission.

Second: Commissioner Liotta.

Those Voting Aye: Chairman Russell, Commissioner Liotta, and Commissioner Tilly.

THE MOTION CARRIED: ALJ ORDER AFFIRMED

2. Keely Norfolk v. La Quinta Inn & Suites Truck Insurance Exchange and Prime Lodging LLC Truck Insurance Exchange, File #CM2019-02204F

Claimant filed an appeal from the order issued by Administrative Law Judge Inhofe. Ray Lahann appeared for the Claimant and Travis Colt appeared for the Respondent.

Motion: After reviewing the record, hearing oral arguments, and deliberating, Commissioner Tilly moved to affirm the Administrative Law Judge's order and authorized the Commission's Presiding Appellate Officer to sign and file an order on behalf of the Commission.

Second: Commissioner Liotta

Those Voting Aye: Chairman Russell, Commissioner Liotta, and Commissioner Tilly.

THE MOTION CARRIED: ALJ ORDER AFFIRMED

3. Clifton Morgan III v. Multiple Injury Trust Fund, File #CM2018-02658XMIF

Claimant filed an appeal from the order issued by Administrative Law Judge Blodgett. Donald E. Smolen appeared for the Claimant and Jennifer Finley appeared for the Respondent.

Motion: After reviewing the record, hearing oral arguments, and deliberating, Commissioner Tilly moved to affirm the Administrative Law Judge's order and authorized the Commission's Presiding Appellate Officer to sign and file an order on behalf of the Commission.

Second: Commissioner Liotta.

Those Voting Aye: Chairman Russell, Commissioner Liotta, and Commissioner Tilly.

THE MOTION CARRIED: ALJ ORDER AFFIRMED

4. Alicia Gilbert v. Alorica Inc. and Zurich American Insurance Co., File #CM2019-07827A

Claimant filed an appeal from the order issued by Administrative Law Judge McMillin. John R. Colbert is the attorney of record for the Claimant and J. William Archibald is the attorney of record for the Respondent.

Parties waived oral arguments.

Motion: Commissioner Tilly moved to approve as circulated.

Second: Commissioner Russell.

Those Voting Aye: Chairman Russell, Commissioner Liotta, and Commissioner Tilly.

THE MOTION CARRIED: ORDER APPROVED

C. Commission Consideration of Adoption of Final Orders in the Following Cases:

1. Renya Rangel-Gonzalez v. Nikita & Neha Hotels LLC and Employers Preferred Insurance Co., File #CM2019-08120F

Respondent filed an appeal from the order issued by Administrative Law Judge Blodgett. Ryan Polchinski appeared Claimant and Kelley Bodell appeared for the Respondent.

This case came on for Oral Argument on April 16, 2021. After reviewing the record, hearing oral argument of counsel, and deliberating, Commissioner Tilly moved to take preliminary action to affirm the Administrative Law Judge's Order and instructed Appellate Counsel or other staff member to draft a proposed order to be considered at a future meeting.

Motion: Commissioner Tilly moved to adopt the order as proposed.

Second: Commissioner Liotta.

Those Voting Aye: Chairman Russell, Commissioner Liotta, and Commissioner Tilly.

THE MOTION CARRIED: ALJ ORDER AFFIRMED

2. Victor Martinez v. Multiple Injury Trust Fund, File #CM2018-02303YMIF

Claimant filed an appeal from the order issued by Administrative Law Judge McMillin. Marcus Gowens appeared for the Claimant and Jon Derouen appeared for the Respondent.

This case came on for Oral Argument on October 23, 2020. After reviewing the record, hearing oral argument of counsel, and deliberating, Commissioner Russell moved to take preliminary action to affirm the Administrative Law Judge's Order and instruct Appellate Counsel or other staff member to draft a proposed order to be considered at a future meeting.

Motion: After reviewing the record, hearing oral arguments, and deliberating, Commissioner Tilly moved to affirm the Administrative Law Judge's order and authorized the Commission's Presiding Appellate Officer to sign and file an order on behalf of the Commission.

Second: Commissioner Tilly.

Those Voting Aye: Chairman Russell, Commissioner Liotta, and Commissioner Tilly.

THE MOTION CARRIED: ALJ ORDER AFFIRMED

3. **Bernard Debord Jr. v. Action Group Staffing and CompSource Mutual Ins. Co. (FKA COMPSOURCE OKLAHOMA) and Flintco LLC and Arch Insurance Co., File #CM2019-02911A**

Respondent Flintco, and its insurance carrier, Arch Insurance Company, filed an appeal from the order issued by Administrative Law Judge Inhofe. Respondent Action Group Staffing, and its insurance carrier, CompSource Mutual Insurance Company, filed a cross-appeal. David P. Reid appeared for the Claimant. Dana L. Gish appeared for Action Group Staffing and CompSource Mutual Insurance Company. John A. McCaleb appeared for Flintco and Arch Insurance Company.

This case came on for Oral Argument on October 23, 2020. After reviewing the record, hearing oral argument of counsel, and deliberating, the Commission took this case under advisement.

Motion: Commissioner Liotta moved to continue all remaining orders.

Second: Commissioner Tilly.

Those Voting Aye: Chairman Russell, Commissioner Liotta, and Commissioner Tilly.

THE MOTION CARRIED: ALL REMAINING ORDERS CONTINUED

4. **Vincent Dopler v. NCED Conference Center Marriot and Marriot International Inc. (OWN RISK), File #CM2018-06999K**

Claimant filed an appeal from the order issued by Administrative Law Judge Egan. Kurt W. Goodwin and Spencer Housley appeared for the Claimant. Jennifer Finley appeared for the Respondent.

This case came on for Oral Argument on December 18, 2020. After reviewing the record, hearing oral argument of counsel, and deliberating, Commissioner Russell moved to take preliminary action to reverse and remand the Administrative Law Judge's decision as contrary to law and instruct Appellate Counsel or other staff member to draft a proposed order to be considered for continued action at a future meeting.

Motion: Commissioner Liotta moved to continue all remaining orders.

Second: Commissioner Tilly.

Those Voting Aye: Chairman Russell, Commissioner Liotta, and Commissioner Tilly.

THE MOTION CARRIED: ALL REMAINING ORDERS CONTINUED

5. Valerie Wilson v. MITF, File #CM2017-00270K

Claimant filed an appeal from the order issued by Administrative Law Judge McMillin. Alex Forbes appeared for the Claimant and Jennifer Finley appeared for the Respondent.

This case came on for Oral Argument on January 15, 2021. After reviewing the record, hearing oral argument of counsel, and deliberating, the Commission took this case under advisement.

Motion: Commissioner Liotta moved to continue all remaining orders.

Second: Commissioner Tilly.

Those Voting Aye: Chairman Russell, Commissioner Liotta, and Commissioner Tilly.

THE MOTION CARRIED: ALL REMAINING ORDERS CONTINUED

6. Tanya Reynolds v. Harvest Hills Baptist Church & Christian School, Church Mutual Ins. Co., S.I., File #CM2019-07146L

Respondent filed an appeal from the order issued by Administrative Law Judge McMillin. Louis P. Falsetti appeared Claimant and Jeffrey W. Dasovich appeared for the Respondent.

This case came on for Oral Argument on March 26, 2021. After reviewing the record, hearing oral argument of counsel, and deliberating, the Commission took this case under advisement.

Motion: Commissioner Liotta moved to continue all remaining orders.

Second: Commissioner Tilly.

Those Voting Aye: Chairman Russell, Commissioner Liotta, and Commissioner Tilly.

THE MOTION CARRIED: ALL REMAINING ORDERS CONTINUED

7. Amanda Burton v. Anatolia Restaurant LLC and Traveler's Indemnity Co. of America, File #CM2019-06284Y

Respondent filed an appeal from the order issued by Administrative Law Judge Blodgett. Ryan Polchinski appeared for the Claimant and Mia C. Rops appeared for the Respondent.

This case came on for Oral Argument on April 16, 2021. After reviewing the record, hearing oral argument of counsel, and deliberating, the Commission took this case under advisement.

Motion: Commissioner Liotta moved to continue all remaining orders.

Second: Commissioner Tilly.

Those Voting Aye: Chairman Russell, Commissioner Liotta, and Commissioner Tilly.

THE MOTION CARRIED: ALL REMAINING ORDERS CONTINUED

8. Carlton Thomas v. Cameron Logistics LLC and United Wisconsin Insurance Co., File #CM2019-05408R

Respondent filed an appeal from the order issued by Administrative Law Judge Blodgett. Timothy Kent appeared for the Claimant and Blake Farris appeared for the Respondent.

This case came on for Oral Argument on April 16, 2021. After reviewing the record, hearing oral argument of counsel, and deliberating, the Commission took this case under advisement.

Motion: Commissioner Liotta moved to continue all remaining orders.

Second: Commissioner Tilly.

Those Voting Aye: Chairman Russell, Commissioner Liotta, and Commissioner Tilly.

THE MOTION CARRIED: ALL REMAINING ORDERS CONTINUED

9. Jose Guevara v. Seaboard Foods LLC and Indemnity Insurance Co. of North America, File #CM2020-00416R

Respondent filed an appeal from the order issued by Administrative Law Judge Lawyer. Ryan Polchinski appeared for the Claimant and Jay Chaney appeared for the Respondent.

This case came on for Oral Argument on April 16, 2021. After reviewing the record, hearing oral argument of counsel, and deliberating, the Commission took this case under advisement.

Motion: Commissioner Liotta moved to continue all remaining orders.

Second: Commissioner Tilly.

Those Voting Aye: Chairman Russell, Commissioner Liotta, and Commissioner Tilly.

THE MOTION CARRIED: ALL REMAINING ORDERS CONTINUED

10. Keely Norfolk v. La Quinta Inn & Suites Truck Insurance Exchange and Prime Lodging LLC Truck Insurance Exchange, File #CM2019-02204F

Claimant filed an appeal from the order issued by Administrative Law Judge McMillin. Brandon J. Burton is the attorney of record for the Claimant and Lacy N. Vassar is the attorney of record for the Respondent.

This case came on for Oral Argument on May 21, 2021. After reviewing the record, hearing oral argument of counsel, and deliberating, the Commission took this case under advisement.

Motion: Commissioner Liotta moved to continue all remaining orders.

Second: Commissioner Tilly.

Those Voting Aye: Chairman Russell, Commissioner Liotta, and Commissioner Tilly.

THE MOTION CARRIED: ALL REMAINING ORDERS CONTINUED

11. Sandra Bennett v. Multiple Injury Trust Fund, File #CM2017-04820XMIF

Claimant filed an appeal from the order issued by Administrative Law Judge Egan. Susan H. Jones appeared for the Claimant and Travis Colt appeared for the Respondent.

This case came on for Oral Argument on May 21, 2021. After reviewing the record, hearing oral argument of counsel and deliberating, Commissioner Tilly moved to take preliminary action to affirm the Administrative Law Judge's Order and instructed Appellate Counsel or other staff member to draft a proposed order to be considered at a future meeting.

Motion: Commissioner Liotta moved to continue all remaining orders.

Second: Commissioner Tilly.

Those Voting Aye: Chairman Russell, Commissioner Liotta, and Commissioner Tilly.

THE MOTION CARRIED: ALL REMAINING ORDERS CONTINUED

12. Martin McNeely v. Multiple Injury Trust Fund, File #CM2018-00572XMIF

Claimant filed an appeal from the order issued by Administrative Law Judge Inhofe. Darrell R. Paul are the attorneys of record for the Claimant and Cyrus Lawyer is the attorney of record for the Respondent.

This case came on for Oral Argument on May 21, 2021. After reviewing the record, hearing oral argument of counsel, and deliberating, the Commissioner Russell moved to take preliminary action to reverse the Administrative Law Judge's order and instructed Appellate Counsel or other staff member to draft a proposed order to be considered at a future meeting.

Motion: Commissioner Liotta moved to continue all remaining orders.

Second: Commissioner Tilly.

Those Voting Aye: Chairman Russell, Commissioner Liotta, and Commissioner Tilly.

THE MOTION CARRIED: ALL REMAINING ORDERS CONTINUED

13. Edwin Leathers v. Multiple Injury Trust Fund, File #CM2017-06743HMIF

Respondent filed an appeal from the order issued by Administrative Law Judge Inhofe. Pam Cornett appeared for the Claimant and Cyrus Lawyer appeared for the Respondent.

This case came on for Oral Argument on May 21, 2021. After reviewing the record, hearing oral argument of counsel, and deliberating, the Commission took this case under advisement.

Motion: Commissioner Liotta moved to continue all remaining orders.

Second: Commissioner Tilly.

Those Voting Aye: Chairman Russell, Commissioner Liotta, and Commissioner Tilly.

THE MOTION CARRIED: ALL REMAINING ORDERS CONTINUED

D. Announcements

The Commission next regular business meeting is Thursday, July 15, 2021, at 1:30 p.m.
The Commission's next regular appeals meeting is Friday, July 16, 2021, at 9:00 a.m.

ADJOURNMENT

Motion: Commissioner Liotta moved to adjourn the meeting at approximately 3:45 p.m.

Second: Commissioner Tilly.

Those Voting Aye: Chairman Russell, Commissioner Liotta, and Commissioner Tilly.

THE MOTION CARRIED: THE MEETING WAS ADJOURNED.